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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**

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9 L.M.W., individually, and as the biological  
father and on behalf of L.W., a minor.,

No. CV-22-00777-PHX-JAT

10 **ORDER**  
11 Plaintiff,  
12 v.  
13 State of Arizona, et al.,  
14 Defendants.

15 On October 13, 2023, the Court issued the following Order:  
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17 On September 21, 2023, this Court issued an Order that included:  
18 “...Plaintiff shall file an unredacted copy of the complaint within 14 days of  
19 the date of this Order. [Footnote] During the Court’s consideration of this  
Motion the Court attempted to read the complaint, but it is so heavily  
redacted that significant portions cannot be understood.” (Doc. 92 at 4).  
Plaintiff has responded to this Order by moving to file an unredacted copy of  
the complaint under seal.

20 Plaintiff’s motion addresses 3 categories of information: 1) the  
21 “minor’s” real name; 2) the minor’s father’s real name; and 3) the allegations  
22 in the complaint. Turning to the “minor’s” name, generally, the name of a  
minor can be represented as initials without Court order. *See* Fed. R. Civ. P.  
5.2. Plaintiff makes no argument, and the Court finds none, that would  
justify further redaction beyond the use of initials. Yet, that is what the  
publicly filed copy of the complaint (Doc. 1) does; it redacts the names rather  
than using initials. These redactions make it very difficult to understand the  
complaint at points. Plaintiff has not justified filing a redacted complaint (as  
the only complaint in the public record) rather than using initials. The motion  
to seal does not address or cure this issue.

23 “Any minor” brings the Court to the next issue. From the documents  
24 the Court reviewed to rule on the parties’ most recent discovery disputes, the  
Court believes that L.W. is no longer a minor. This raises two important  
25 issues: 1) Does Federal Rule of Civil Procedure 5.2 apply after a minor  
reaches the age of majority; and 2) Does L.W.’s father continue to have legal  
standing to represent him if he has reached the age of majority (assuming  
L.W.’s father has not been appointed as his conservator by the state courts)?

1 Both of these questions lead the Court to call for briefing on whether L.W.  
 2 needs to be substituted in as an additional Plaintiff in this case. The Court  
 3 will further call for briefing regarding under what legal authority can L.W.  
 4 continue to be known by only his initials if he is an adult. *See Jordan v.  
 5 Gardner*, 986 F.2d 1521, 1525 n.4 (9th Cir. 1993).

6 The second category of information at issue is whether L.W.'s father  
 7 can be known by his initials. The further briefing on cause to allow L.W. to  
 8 continue to be known by his initials—which must include legal citations and  
 9 arguments—should include whether L.W.'s father should also be known by  
 10 his initials.

11 The final category of information is certain details of the alleged  
 12 abuse. Regarding this category of information, Plaintiff states: "Plaintiff  
 13 only made minimal redactions...related to...the particularly sensitive and  
 14 specific allegations of sexual misconduct.... [T]he specific allegations of  
 15 sexual misconduct are not central to the claims asserted by Plaintiff." (Doc.  
 16 93 at 2). Generally, the complaint is "central" to the case. *See Foltz v. State*  
*17 Farm*, 331 F.3d 1122, 1135 (9th Cir. 2003) ("In this circuit, we start with a  
 18 strong presumption in favor of access to court records" and requiring the  
 19 district court, prior to sealing to, "consider all relevant factors, including: the  
 20 public interest in understanding the judicial process and whether disclosure  
 21 of the material could result in improper use of the material for scandalous or  
 22 libelous purposes or infringement upon trade secrets.... After taking all  
 23 relevant factors into consideration, the district court must base its decision  
 24 on a compelling reason and articulate the factual basis for its ruling, without  
 25 relying on hypothesis or conjecture." (quoting *Hagestad v. Tragesser*, 49  
 26 F.3d 1430, 1434 (9th Cir.1995)); *see also Ctr. for Auto Safety v. Chrysler*  
*27 Grp., LLC*, 809 F.3d 1092, 1096 (9th Cir. 2016) (requiring a party to show  
 28 compelling reasons to seal any information central to the case)).

29 Here, Plaintiff does not dispute that the complaint is central to the  
 30 case, but argues that Plaintiff chose to put highly sensitive, personal  
 31 information in the complaint for little reason since the descriptions "are not  
 32 central to the claims asserted by Plaintiff." To redact factual allegations from  
 33 the complaint, Plaintiff must make a legal showing that the strong  
 34 presumption of public access is outweighed. On this record, the Court is not  
 35 inclined to find that the facts that form the basis of the causes of action are  
 36 not "central" to the case. However, because the Court will require briefing  
 37 on the foregoing issues, the Court will allow Plaintiff to more robustly brief  
 38 why the facts of this case should not be public record, particularly if L.W. is  
 39 allowed to proceed by only his initials. *See Does I Thru XXIII v. Advanced*  
*40 Textile Corp.*, 214 F.3d 1058, 1068 (9th Cir. 2000).

41 Based on the foregoing,

42 **IT IS ORDERED** that Plaintiff must file a supplement to the motion  
 43 to seal (Doc. 93) within 14 days. If Defendants seek to be heard on the  
 44 motion, as supplemented, they shall respond within 14 days of the  
 45 supplement being filed. Plaintiff may reply within 7 days.

46 (Doc. 99).

47 Plaintiff has responded to the Court's order. (Doc. 102). Defendants did not reply.

48 Plaintiff first asserts that L.W. is still a minor. The Court will accept counsel's  
 49 representation on this issue and no further evidence is necessary. Given that L.W. is still a  
 50 minor, proceeding by only initials continues to be appropriate. L.W.'s father, L.M.W.,

1 continues to proceed on L.W.'s behalf. It is unknown to the Court whether L.M.W. has  
2 been appointed by the state probate court to act as L.M.W.'s conservator, but Defendants  
3 have not challenged this representation.

4 The Court will accept Plaintiff's solution that in filing the public facing version of  
5 the complaint, Plaintiff will use only initials for L.W. and L.M.W., and will use  
6 descriptions such as L.W.'s paternal grandmother, or L.W.'s aunt, for other people. (See  
7 Doc. 102). Plaintiff's counsel is cautioned that prior to filing the public facing complaint,  
8 counsel should read carefully because at various points (see, e.g., Doc. 94, ¶36, ¶47, ¶51,  
9 ¶55) the complaint uses actual names, not initials.

10 Finally, the Court must decide whether paragraphs 48-51 should be in the public  
11 version of the complaint. These paragraphs contain graphic descriptions of the alleged  
12 abuse. (see Doc. 94 at 7-8). Following *Foltz v. State Farm*, 331 F.3d 1122, 1135 (9th Cir.  
13 2003), the Court finds that these paragraphs could be used for a scandalous purpose, and  
14 accordingly will allow them to be sealed. In filing the public version of the complaint,  
15 Plaintiff's counsel shall omit these four paragraphs and instead write: Redacted per Court  
16 Order.

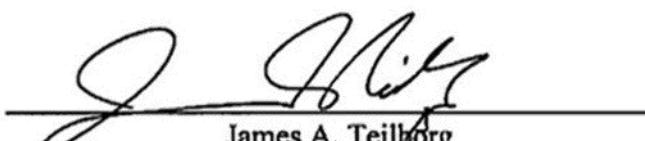
17 Based on the foregoing,

18 **IT IS ORDERED** that the motion to seal (Doc. 93) is granted. The Clerk of the  
19 Court shall file the unredacted version of the complaint (currently lodged at Doc. 94) under  
20 seal.

21 **IT IS FURTHER ORDERED** that Plaintiff shall file a public version of the  
22 complaint consistent with this Order within 14 days.

23 Dated this 6th day of December, 2023.

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James A. Teilborg  
Senior United States District Judge